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Frost Brown Todd LLC
2200 PNC Center
201 East Fifth Street
Cincinnati OH 45202

In re Application of
Robert L. Gendron et al.
Application No. 09/836,410
Filed: April 17, 2001
Title: INHIBITION OF BONE TUMOR
FORMATION USING ANTISENSE CDNA
THERAPY

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OFFICE OF PETITIONS

DECISION ON PETITION

This is a decision on the petition under 37 CFR § 1.137(b)¹, filed December 15, 2003, to revive the above-identified application.

The above-identified application became abandoned for failure to reply within the meaning of 37 CFR §1.113 in a timely manner to the final Office action mailed April 11, 2003, which set a shortened statutory period for reply of three (3) months. On September 16, 2003, a three-month extension of time under the provisions of 37 CFR §1.136(a) was received, but an amendment did not accompany the submission. Accordingly, the above-identified application became abandoned on October 12, 2003. A Notice of Abandonment was mailed on December 11, 2003.

With the instant petition, the petitioner has met the requirements to revive the above-identified application, pursuant to 37 CFR 1.137(b). Petitioner submitted the required reply in the form of the filing of an after-final amendment which has been considered by the Examiner and has been deemed to place the application in condition for allowance, the payment of the petition fee, and the proper statement of unintentional delay.

¹ A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in § 1.17(m);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
- (4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

As such, the petition is **GRANTED**.

The application file is being forwarded to Technology Center 1600 for further processing of the amendment filed concurrently with this petition.

Telephone inquiries concerning this decision should be directed to the undersigned at (703) 305-0011.



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Office of Petitions
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